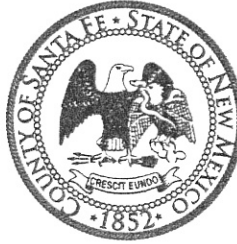


Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Rudy N. Garcia
Commissioner, District 3



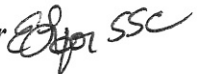
Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

Date: *January 29, 2019*

To: *Santa Fe County Board of County Commissioners*

From: *Stephanie Schardin Clarke, Finance Division Director*  *SSC*

Via: *Katherine Miller, County Manager*

Re: **Resolution No. 2019-_____, A Resolution Approving a Budget Increase to Developer Fees Fund (231) in the amount of \$870,000 for the Purchase of Land at Camino Jacobo Tract B-1, Lot 1 & 2.**

ISSUE

The purpose of this request is to budget \$870,000 in the developer fees fund (231) for the acquisition of land at Camino Jacobo, which includes purchase and a phase 1 environmental study.

BACKGROUND

The Santa Fe County Housing Authority has identified 6.6 acres of undeveloped land (Tract B-1, Lot 1 and Lot 2) on Camino Jacobo, immediately south of the County's existing public housing site. On January 30, 2018, the Board of County Commissioners authorized the County Manager to negotiate a purchase agreement with the owner of the subject land (Resolution 2018-11). On November 28th, 2018, the Board of County Commissioners authorized the ratification of the County Manager's signature to include the terms of the purchase agreement and the settlement documents.

The requested funding for this purchase is from the developer's fee fund. These specific funds come directly from a developer's agreement, in which a developer agreed to contribute funds to the County's incipient affordable housing program.

ACTION REQUESTED

The Finance Division is requesting to budget \$870,000 from the the developer's fee fund (231) for the purchase of land and an a phase 1 environmental study at Camino Jacobo.

SANTA FE COUNTY

Page 1 of 4

RESOLUTION 2019 - _____

A RESOLUTION REQUESTING AUTHORIZATION TO MAKE THE BUDGET ADJUSTMENT DETAILED ON THIS FORM

Whereas, the Board of County Commissioners meeting in regular session on January 29, 2019, did request the following budget adjustment:

Department / Division: GMD/Housing

Fund Name: Developer Fees Fund (231)

Budget Adjustment Type: Budget Increase

Fiscal Year: 2019 (July 1, 2018 - June 30, 2019)

BUDGETED REVENUES: (use continuation sheet, if necessary)

| FUND CODE XXX | DEPARTMENT/ DIVISION XXXX | ACTIVITY BASIC/SUB XXX | ELEMENT/ OBJECT XXXX | REVENUE NAME | INCREASE AMOUNT | DECREASE AMOUNT |
|----------------------------------|---------------------------------|------------------------------|----------------------------|--|--------------------|--------------------|
| 231 | 0000 | 385 | 0200 | Developer Fees/Subsidies/Budgeted Cash | \$870,000 | |
| TOTAL (if SUBTOTAL, check here) | | | | | \$870,000 | |

BUDGETED EXPENDITURES: (use continuation sheet, if necessary)

| FUND CODE XXX | DEPARTMENT/ DIVISION XXXX | ACTIVITY BASIC/SUB XXX | ELEMENT/ OBJECT XXXX | CATEGORY / LINE ITEM NAME | INCREASE AMOUNT | DECREASE AMOUNT |
|----------------------------------|---------------------------------|------------------------------|----------------------------|---|--------------------|--------------------|
| 231 | 1949 | 471 | 8005 | Developer Fees/Affordable Housing/Land Acq. | \$870,000 | |
| TOTAL (if SUBTOTAL, check here) | | | | | \$870,000 | |

Requesting Department Approval: Joseph Montoya

Title: Executive Director

Date: 1/18/19

Finance Department Approval: [Signature]

Date: 1/18/19

Entered by: [Signature]

Date: _____

County Manager Approval: _____

Date: _____

Updated by: _____

Date: _____

SANTA FE COUNTY

RESOLUTION 2019 - _____

Page 2 of 4

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT: Name: Joseph Montoya Dept/Div: GMD/Housing Phone No.: (505) 992-3058

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 1) Please summarize the request and its purpose.

The Santa Fe County Housing Authority has identified 6.6 acres of undeveloped land (Tract B-1, Lot 1 and Lot 2) on Camino Jacobo, immediately south of the County's existing public housing site. On January 30, 2018, the Board of County Commissioners authorized the County Manager to negotiate a purchase agreement with the owner of the subject land (Resolution 2018-11). On November 28th, 2018, the Board of County Commissioners authorized the ratification of the County Manager's signature to include the terms of the purchase agreement and the settlement documents.

The requested funding for this purchase is from the developer's fee fund. These specific funds come directly from a developer's agreement, in which a developer agreed to contribute funds to the County's incipient affordable housing program.

a) Professional Services (50-xx) and Capital Category (80-xx) detail:

| Line Item | Detail (what specific things, contracts, or services are being added or deleted) | Amount |
|-----------|--|-----------|
| 80-05 | Land Acquisition | \$870,000 |
| | | |
| | | |
| | | |

- 2) Is the budget action for RECURRING expense _____ or for NON-RECURRING (one-time only) expense X

SANTA FE COUNTY

Page 3 of 4

RESOLUTION 2018 - _____

ATTACH ADDITIONAL SHEETS IF NECESSARY.

DEPARTMENT CONTACT:

Name: Joseph Montoya Dept/Div: GMD/Housing Phone No.: (505) 992-3058

DETAILED JUSTIFICATION FOR REQUESTING BUDGET ADJUSTMENT (If applicable, cite the following authority: State Statute, grant name and award date, other laws, regulations, etc.):

- 3) Does this request impact a revenue source? If so, please identify (i.e. General Fund, state funds, federal funds, etc.), and address the following:
 - a) If this is a state special appropriation, YES NO
If YES, cite statute and attach a copy.
 - b) Does this include state or federal funds? YES NO
If YES, please cite and attach a copy of statute, if a special appropriation, or include grant name, number, award date and amount, and attach a copy of a award letter and proposed budget.

n
 - c) Is this request is a result of Commission action? YES NO
If YES, please cite and attach a copy of supporting documentation (i.e. Minutes, Resolution, Ordinance, etc.).
Resolution # 2018-11
 - d) Please identify other funding sources used to match this request.

SANTA FE COUNTY

RESOLUTION 2019 - _____

Page 4 of 4

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Santa Fe County that the Local Government Division of the Department of Finance and Administration is hereby requested to grant authority to adjust budgets as detailed above.

Approved, Adopted, and Passed This _____ Day of _____, 2019.

Santa Fe Board of County Commissioners

Anna Hamilton, Chair

ATTEST:

Geraldine Salazar, County Clerk

PURCHASE AGREEMENT

This Purchase Agreement ("Agreement") is between Gil-Men Investments, Inc., a New Mexico corporation ("Seller") whose address is 2831 Don Quixote, Santa Fe, New Mexico 87505, and Santa Fe County ("County" or "Buyer"), a political subdivision of the state of New Mexico, for the Santa Fe County Housing Authority. Seller and the County are collectively referred to as the "Parties" in this Agreement.

RECITALS

- A. There is a severe shortage of affordable housing within Santa Fe County.
- B. Several rent studies on housing affordability and availability indicate that there is a need for at least 2,000 to 5,000 new units of rental housing in the Santa Fe metro area.
- C. According to the latest Santa Fe housing market analysis, the Santa Fe metro area has less than a 2% vacancy rate.
- D. County staff has identified 6.6 acres of undeveloped land for sale on Camino de Jacobo immediately south of the County's existing public housing site that would be an excellent site for a multi-family housing development.
- E. The County intends to acquire Tract B-1, Lot 1 and Lot 2, Camino de Jacobo located 1,200 feet north of Camino de Jacobo and Airport Road intersection ("Property") for construction of a multi-family housing development.

AGREEMENT

FOR CONSIDERATION, THE SUFFICIENCY AND RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, THE PARTIES AGREE AS FOLLOWS:

1. **Seller's Representations:** Seller represents that the following is true and correct and will continue to be true and correct on the Closing Date:

1.1. Seller is the exclusive fee simple owner of the real property known as Tract B-1, Lot 1 and Lot 2 located in Santa Fe, New Mexico, as described on the plat filed in the records of the County Clerk as Instrument Nos. 1553924 and the Warranty Deed filed as Instrument 744986 in the records of the County Clerk of Santa Fe County, New Mexico.

1.2. There are no mortgages, deeds of trust, liens, leases, easements, or other encumbrances on the Property except those appearing in the property records of the County Clerk.

1.3. Seller has authority to convey the Property, as shown on the attached Exhibit A.

1.4. To the best of Seller's knowledge, no regulated hazardous waste or environmental contamination is present on or underneath the Property.

1.5. There are no structures or other improvements on the Property.

1.6. Except as provided in Sections 1.1 through 1.5, Seller makes no representations or warranties regarding the Property, including the condition of the Property or its suitability for any particular purpose. Except as set out in Sections 1.1 through 1.5, the County is relying on its inspection of the Property and accepts it "as is."

2. Costs. In addition to the purchase price defined below, the County will pay: i) Buyer's recording fee; ii) cost of Environmental Site Assessment I (ESA); and iii) ½ of closing costs. Seller will pay: i) Seller's recording fee; ii) title commitment fee; iii) standard owner's policy; iv) cost of survey; and v) one half (½) of closing costs. Other costs not contained herein, exclusive of Seller's legal fees and costs or realtor fees and costs, shall be paid ½ by Buyer and ½ by Seller.

3. Purchase and Sale. Seller shall sell and grant the Property "as is" in fee simple to the County by Warranty Deed, free and clear of all claims, encumbrances, debts, liabilities, obligations and the like, and the County shall purchase and accept the Property "as is" from Seller for the total purchase price \$862,481.13, upon the terms and conditions set forth in this Agreement; provided, however, that all Seller's representations set out in Section 1 are true and correct on the Closing Date.

4. Closing Date: The Closing Date shall occur within 60 days after the date this Agreement is executed by the County, or such later time as the Parties may mutually agree ("Closing Date").

5. Income reporting: Seller acknowledges the payment of the purchase price and other consideration provided under this Agreement may have tax consequences to Seller, and Seller is advised to seek legal and/or financial assistance as necessary to determine those consequences, which may include reporting of income received from the sale to the Internal Revenue Service.

6. Inspection: The Seller shall permit the County to conduct such inspections of the Property as the County deems necessary prior to the Closing Date. If inspections indicate a potential condition that the County determines requires further testing or inspection, the Parties agree to extend the Closing Date at least 30 days after the issuance of a final report for such additional testing or inspection.

7. Environmental: During the inspection, County may obtain a Phase I ESA at County's sole expense. If any environmental inspection reveals the presence of contamination or the need to conduct any environmental cleanup, the County may terminate this Agreement without penalty.

8. Broker's Commission: No broker or finder has been used by the County and the County shall owe no brokerage or finder's fee related to this transaction. Seller has the sole obligation to pay all brokerage or finder's fees to any agent employed by Seller.

9. Survival: Sections 1 and 2 of this Agreement shall survive the sale of the Property and shall not merge therewith.

10. **Entire Agreement:** This Agreement contains the entire agreement between the Seller and County regarding the County's purchase of the Property. All understandings, conversations and communications, oral or written, between Seller and the County, or on behalf of either of them, are merged into and superseded by this Agreement and shall be of no further force or effect. No modification or amendment to this Agreement shall be binding unless in writing and signed by both Parties.

11. **Notices:** All notices required under this Agreement shall be in writing and mailed or hand-delivered as follows:

To Seller: Gil-Men Investments, Inc
 Attn. Charles Gilcrease, President
 2831 Don Quixote
 Santa Fe, NM 87505

To County: Santa Fe County
 Attn. Katherine Miller, County Manager
 PO Box 276
 102 Grant Avenue
 Santa Fe, NM 87504-0276

and: Santa Fe County
 Attn. Joseph R. Montoya, Executive Director
 PO Box 276
 102 Grant Avenue
 Santa Fe, NM 87504-0276

and: Santa Fe County Public Works Dept.
 Attn. Real Property Specialist
 PO Box 276
 102 Grant Avenue
 Santa Fe, NM 87504-0276

12. **Effective Date:** This Agreement shall be effective on the date of the last signature by the Parties.

13. **Binding Effect:** This Agreement shall inure to the benefit of and be binding upon the Parties' respective grantees, successors, assigns, devisees, heirs, and mortgagees.

14. **Incorporation of Exhibits and Recitals:** All Exhibits and Recitals to this Agreement are incorporated into and made a part of this Agreement by reference.

15. **County:** The Santa Fe County Manager is authorized to execute this Agreement pursuant to Santa Fe County Resolution No. 2018-11.

CS

SELLER:

By: Charles Gilcrease Pres
Charles Gilcrease, President
Gil-Men Investments, Inc.

Date: 10-30-2018

SANTA FE COUNTY:

By: Katherine Miller
Katherine Miller
Santa Fe County Manager

Date: 11/13/18

Approved as to form:

R. Bruce Frederick
R. Bruce Frederick
Santa Fe County Attorney

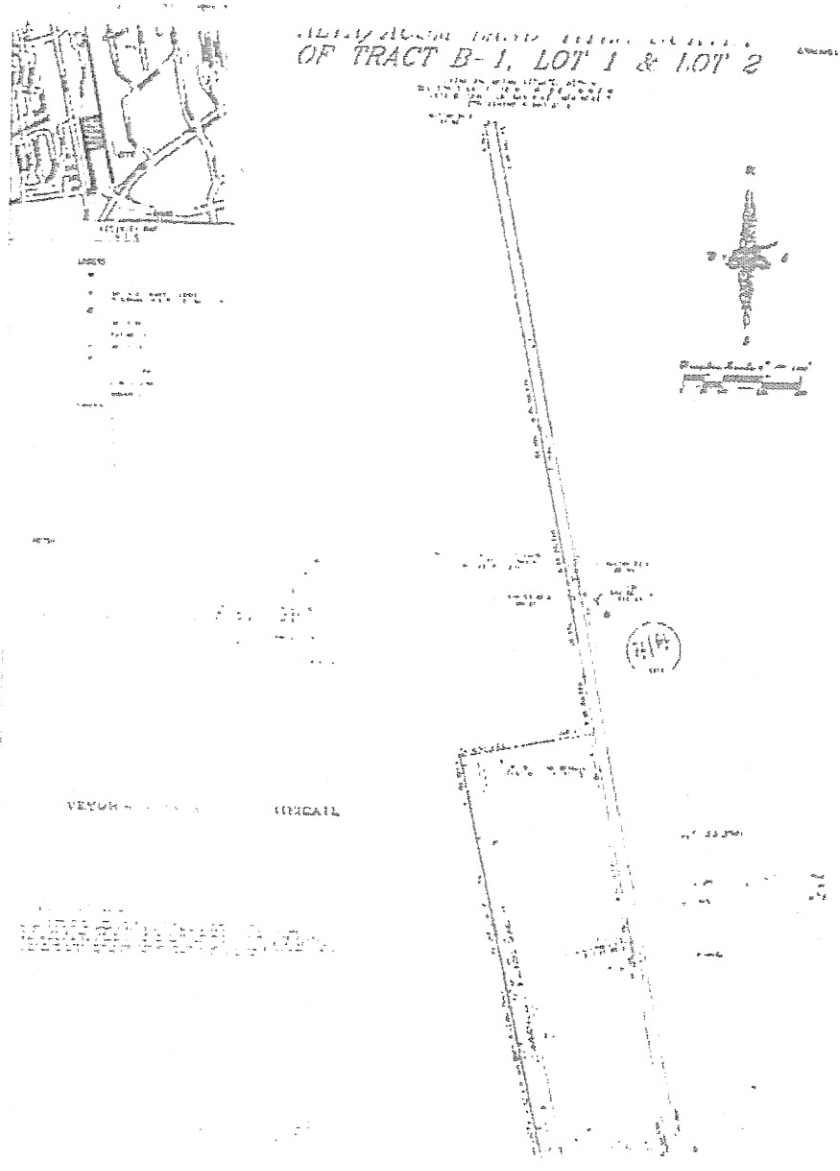
Date: 11/1/2018

Finance Department:

Stephanie Schardin Clarke
Stephanie Schardin Clarke
Finance Director

Date: 11/6/18

Exhibit A



CS

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY
RESOLUTION NO. 2018 - 11**

**A RESOLUTION DELEGATING AUTHORITY TO THE COUNTY
MANAGER TO NEGOTIATE A PURCHASE AGREEMENT FOR
ACQUISITION OF 6.6 ACRES OF LAND, MORE OR LESS, LOCATED ON
CAMINO DE JACOBO, SANTA FE, NEW MEXICO, FOR POTENTIAL
DEVELOPMENT OF A HOUSING PROJECT**

WHEREAS, there is an severe shortage of affordable housing within Santa Fe County; and

WHEREAS, several recent studies on housing affordability and availability indicate that there is a need for at least 2,000 to 5,000 new units of rental housing in the Santa Fe metro area; and

WHEREAS, according to the latest Santa Fe housing market analysis, the Santa Fe metro area has less than a 2% vacancy rate; and

WHEREAS, according to the latest quality of life survey only 11% of the population of Santa Fe believes there is enough quality affordable housing; and

WHEREAS, County Housing Authority staff has identified a 6.6 acre parcel of undeveloped land ("Subject Land") for sale on Camino de Jacobo immediately south of the County's existing public housing site; and

WHEREAS, the Subject Land would be an excellent site for multi-family housing development; and

WHEREAS, utility service is readily available to the Subject Land, which is currently zoned C-2; and

WHEREAS, the Subject Land is conveniently located for prospective tenants and the Housing Authority, which has its offices just north of the Subject Land on Camino de Jacobo.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners ("Board") of Santa Fe County ("County"), as follows:

1. The County Manger is authorized to negotiate a purchase agreement with the owner of the Subject Land. The agreement shall include such due diligence

contingencies as the County Manager deems appropriate, including a phase 1 environmental assessment.

2. The purchase price shall be no more than the appraised fair market value of the Subject Land.

3. If the County Manager and the owner of the Subject Land come to agreement on the terms of a purchase agreement, the County Manager shall present the agreement to the Board for consideration.

PASSED, APPROVED, AND ADOPTED THIS 30th DAY OF January 2018.

BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY

By: Anna Hansen

Anna Hansen, Chair

Date: 1/30/18

ATTEST:

Geraldine Salazar
Geraldine Salazar, Santa Fe County Clerk

Date: 1/30/2018

APPROVED AS TO FORM:

R. Bruce Frederick
R. Bruce Frederick, Santa Fe County Attorney

Date: 1/25/2018



SFC CLERK RECORDED 01/31/2018



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 2

I Hereby Certify That This Instrument Was Filed for
Record On The 31ST Day Of January, 2018 at 11:21:11 AM
And Was Duly Recorded as Instrument # 1848952
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Geraldine Salazar
Deputy Geraldine Salazar County Clerk, Santa Fe, NM

Henry P. Roybal
Commissioner, District 1

Anna Hansen
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3



Anna T. Hamilton
Commissioner, District 4

Ed Moreno
Commissioner, District 5

Katherine Miller
County Manager

MEMORANDUM

DATE: November 14, 2018

TO: Board of County Commissioners

FROM: Bill Taylor, Procurement Manager, CPO

VIA: Katherine Miller, County Manager
Stephanie S. Clarke, Finance Director
Joseph Montoya, Housing Director

ITEM AND ISSUE: BCC Meeting November 27, 2018

Request Ratification of the County Manager's Signature Approval of Purchase Agreement No. 2019-0125-HA/MM for the Acquisition of 6.6 Acres of Land Located on Camino De Jacobo, Santa Fe New Mexico in the Amount of \$862,481.13 for the Potential Development of a Housing Project; Granting the County Manager Authorization to Sign the Settlement Agreement and Purchase Order. (Terry Lease, Public Works)

Issue:

Santa Fe County Resolution 2018-11 delegated authority to the County Manager to negotiate a purchase agreement for acquisition of 6.6 acres of land, more or less, located on Camino De Jacobo, in Santa Fe, New Mexico for a potential development of a housing project.

Although the Resolution authorizes the County Manager to negotiate a purchase agreement with the owner of the subject land, the Resolution also requires that the terms of the purchase agreement be presented to the Board of County Commissioners for consideration.

If approved, the settlement documents and purchase order for the closing of the purchase will require the signature authorization of the County Manager.

BACKGROUND:

Numerous rent studies on housing affordability and availability indicate that there is a need for at least 2,000 to 5,000 new units of rental housing in the Santa Fe metro area. The Santa Fe County Housing Authority has identified 6.6 acres of undeveloped land (Tract B-1, Lot 1 and Lot 2) on

Camino de Jacobo immediately south of the County's public housing site that would be the most beneficial site for a multi-family housing development.

It is the County's intent to acquire Tract B-1, Lot 1 and Lot 2, Camino de Jacobo located 1,200 feet north of Camino de Jacobo and Airport Road intersection for construction of a multi-family housing development.

ACTION REQUESTED:

BCC ratification of the County Manager's signature approval of Purchase Agreement No. 2019-0125-HA/MM for the purchase of 6.6 acres of land in the amount of \$862,481.12 located on Camino de Jacobo, in Santa Fe New Mexico for the purpose of the development of a housing project; granting the County Manager authorization to sign the settlement agreement and purchase order.

CHAIR HANSEN: Could I please have a motion to come out of executive session?

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: I'd like to move that we come out of executive session and assure that the only things that were discussed were those things that were listed on the agenda that County Attorney Frederick listed prior to the motion to go into session.

COMMISSIONER MORENO: I second the motion.

The motion passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this motion or the remainder of the meeting.]

VIII. B. Request Ratification of the County Manager's Signature Approval of Purchase Agreement No. 2019-0125-HA/MM for the Acquisition of 6.6 Acres of Land Located on Camino de Jacobo, Santa Fe New Mexico in the Amount of \$862,481.13 for the Potential Development of a Housing Project; Granting the County Manager Authorization to Sign the Settlement Agreement and Purchase Order

CHAIR HANSEN: Next, I would like to ask for a motion from the Commission.

COMMISSIONER HAMILTON: Madam Chair.

CHAIR HANSEN: Yes.

COMMISSIONER HAMILTON: So I'd like to move as listed under item VIII. B, move to approve the request for the ratification of the County Manager's signature for approval of Purchase Agreement as listed for the acquisition of 6.6 acres of land located on Camino de Jacobo in the amount as listed for the potential development of a housing project and granting the County Manager authorization to sign the settlement agreement and purchase order.

COMMISSIONER ROYBAL: I'll second that motion and I'd just like to add to the comments that I'm really excited to see us expand our housing. It's something that's very needed in the county. Thank you.

CHAIR HANSEN: I also want to thank Mr. Montoya and his staff and everybody for working on this affordable housing. It's one of the most important things that we can do for our constituents.

The motion passed by unanimous [4-0] voice vote. [Commissioner Anaya was not present for this action.]

CHAIR HANSEN: I had a motion by Commissioner Hamilton, a second by Commissioner Roybal and all four of us are in favor. Unanimous. Thank you very much.

SFC CLERK RECORDED 01/10/2019

